

# Notice of Allowability

Application No.

10/552,463

Examiner

L. E. Crane

Applicant(s)

ISHII ET AL.

Art Unit

1623

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed November 19, 2007.
2. ☒ The allowed claim(s) is/are 12-22.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 02012008.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

L. ERIC CRANE  
PATENT EXAMINER  
GROUP 1623

*[Signature]*  
1623

*[Signature]* 2/1/08  
S. Anna Jiang, Ph.D.  
Supervisory Patent Examiner  
Technology Center 1600

An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. §1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.

The following amendment was made in the specification:

The following paragraph was inserted as a new first paragraph following the title at page 1:

-- This application is a 371 of PCT/JP04/05109, filed April 9, 2004, an application that claims priority from Japanese Patent Office Application 2003-106,849, filed April 10, 2003. --.

The following amendments were made in the claims:

In claim 12 at line 15 (last line), the term "containing" was replaced with the term -- comprising --.

In claim 13 at line 16 (last line), the term "containing" was replaced with the term -- comprising --.

In claim 14 at line 16 (last line), the term "containing" was replaced with the term -- comprising --.

In claim 15 at line 16 (line 2 of step (b)), the term "containing" was amended to read -- comprising --.

In claim 17 at line 16 (line 2 of step (b)), the term "containing" was amended to read -- comprising --.

In claim 19 at line 16 (line 2 of step (b)), the term "comprising containing" was amended to read -- comprising --.

In claim 19 at line 21 (line 1 of step (c)), the term "2'-deoxy-2'-fluorouridine" was amended to read -- 2'-deoxy-2'-fluorouridine --.

In claim 20 at line 16 (line 2 of step (b)), the term "comprising containing" was amended to read -- comprising --.

In claim 20 at line 21 (line 1 of step (c)), the term "2'-deoxy-2'-fluorouridine" was amended to read -- 2'-deoxy-2'-fluorouridine --.

In claim 21 at line 16 (line 2 of step (b)), the term "comprising containing" was amended to read -- comprising --.

In claim 22 at line 16 (line 2 of step (b)), the term "comprising containing" was amended to read -- comprising --.

Authorization for this Examiner's Amendment was given in telephone interviews with J. D. Evans on January 31, 2008 and February 1, 2008.

The following is an Examiner's Statement of Reasons for Allowance:

Examiner notes applicant's submission of a new claim set, a claim set that has effectively addressed minor errors noted in the previous Office action. Examiner has reviewed applicant's arguments in re the obviousness rejection of record. Examiner concurs that the prior art cited does not provide a basis for, or an expectation of, the much enhanced yields and reduced costs observed by applicants in the execution of the instant claimed process when compared with the prior art. The noted differences represent objective evidence that supports applicant's argument asserting the unobviousness of the instant claims in view of the cited prior art. For this reason the obviousness rejection has been withdrawn.

The above amendments have been entered to provide a complete specification, to address minor problems with definiteness, and for the correction of typographical errors. In view of the changes made by applicant, the arguments and evidence advanced by applicant, and the correction of the remaining errors by the amendments above, the claims as presently amended have been found to be allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the

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Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Papers related to this application may be submitted to Group 1600 via facsimile transmission (FAX). The transmission of such papers must conform with the notice published in the Official Gazette (1096 OG 30, November 15, 1989). The telephone number to FAX (unofficially) directly to Examiner's computer is 571-273-0651. The telephone number for sending an Official FAX to the PTO is 571-273-8300.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner L. E. Crane whose telephone number is **571-272-0651**. The examiner can normally be reached between 9:30 AM and 5:00 PM, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. S. Anna Jiang, can be reached at **571-272-0627**.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group 1600 receptionist whose telephone number is **571-272-1600**.

All Post-Allowance Correspondence concerning this application must be mailed to:

BOX ISSUE FEE  
COMMISSIONER FOR PATENTS  
WASHINGTON, DC 20231

OR you can FAX them to the Office of Patent Publications at 571-273-8300, in order to expedite the handling of such correspondence as amendments under 37 C.F.R. §1.312; Information Disclosure Statements (IDS's), and formal drawings. Sending Post-Allowance papers to Technology Center 1600 will only cause delays in matching papers with the case.

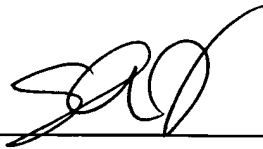
For information concerning status of correspondence sent after receipt of the Notice of Allowance, please contact the Correspondence Branch at **571-272-4200**. The Notice of Allowance also has an insert containing contact information for other items, including Issue

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Fees, receipt of formal drawings, and the status of the application.

LECrane:lec  
02/01/2008



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S. Anna Jiang, Ph.D.  
Supervisory Patent Examiner  
Technology Center 1600